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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,284	03/30/2001	Andrei Mikheev	3166/1G947 US1	6790
7278	7590	07/02/2004	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			BURGE, LONDRA C	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,284

Applicant(s)

MIKHEEV, ANDREI

Examiner

Londra C Burge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Original application filed 3/30/2001 and IDS filed 12/26/2002 and 7/17/2003.
2. Claims 1-16 are pending. Claims 1, 2, 3, 4, 5, 11, 13, 14, 15 and 16 are independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1-4, 11-13 and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Barr et al (herein after Barr) U.S. Patent No. 5,873,076 filed 9/15/1995.

In regard to independent claim 1, Barr discloses *A search engine for searching files on a network of servers, comprising: a) a phrase extraction module for determining select phrases that are contained in a selection of files and mapping phrases with the files and the servers hosting the files* (Barr Col 8 Lines 8-10 i.e. search engine)(Barr Col 8 Lines 60-63 i.e. search query by way of communications channel such as a public network) (Barr Col 12 Lines 15-35 i.e. user inputs a search query or phrase) (Barr Col 26 Lines 1-7 i.e. mapping of the scores); *and b) a visualization tool for presenting a graphical representation of the mapping of said phrases, files, and servers.* (Barr Col 26 Lines 1-7 i.e. graphical representation wherein the relevance normalization curve is merely a graphical mapping of the scores and Barr Abstract i.e. server)

In regard to independent claim 2, Barr discloses *a search engine for searching files on a network of servers according to a query from a user, Comprising: a) a phrase extraction module for determining select phrases that are contained in a plurality of files satisfying the query, and grouping the servers that host the plurality of files in accordance with the selected phrases* (Barr Col 8 Lines 8-10 i.e. search engine)(Barr Col 8 Lines 60-63 i.e. search query by way of communications channel such as a public network) (Barr Col 12 Lines 15-35 i.e. user inputs a search query or phrase) (Barr Col 26 Lines 1-7 i.e. mapping of the scores) (Barr Col 31 Lines 26-39 i.e. group of documents); *and b) a visualization tool for displaying to the user, a graphical representation of the grouping of said phrases and servers* (Barr Col 4 Lines 47-50 i.e. result list is displayed in a first display window open on a user display and Barr Abstract i.e. server) (Barr Col 26 Lines 1-7 i.e. graphical representation)

In regard to independent claim 3, Barr discloses *a) selecting files in accordance with the query* (Barr Col 4 Lines 29-30 i.e. selecting entries from the result list); *b) determining one or more phrases contained in the selected files* (Barr Col 6 Lines 54-65 i.e. directed to a method for searching a database of an information retrieval system in response to a query having a query length of at least one word, for applying the query word to the database and selecting information from the database according to the query word. The query is received and the length of the query is determined. Information is selected from the database according to the query. The relevance of the selected information is determined according to matches between the query and the information); *c) grouping the selected files in accordance with the determined phrases* (Barr Col 31 Lines 26-39 i.e. group of documents); *and d) displaying a graphical representation*

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of the grouping to the user. (Barr Col 4 Lines 47-50 i.e. result list is displayed in a first display window open on a user display) (Barr Col 26 Lines 1-7 i.e. graphical representation)

In regard to independent claim 4, Barr discloses *a) selecting files in accordance with the query*(Barr Col 4 Lines 29-30 i.e. selecting entries from the result list); *b) determining one or more phrases contained in the selected files* (Barr Col 6 Lines 54-65 i.e. directed to a method for searching a database of an information retrieval system in response to a query having a query length of at least one word, for applying the query word to the database and selecting information from the database according to the query word. The query is received and the length of the query is determined. Information is selected from the database according to the query. The relevance of the selected information is determined according to matches between the query and the information); *c) grouping the selected files in accordance with the determined phrases and in accordance with the servers hosting the selected files* (Barr Col 31 Lines 26-39 i.e. group of documents) (Barr Col 8 Lines 63-67 and Col 9 Line 1-8 i.e. server which includes means for receiving a search query from user station, means for sending the search query to a query server, means for receiving search results information from the query server, means for sending a search results list representative of the search results information across communications channel to the user station, means for receiving a document retrieval request transmitted from user station over communications channel to session server, and means for retrieving a document from database in response to the retrieval request and transmitting a file representative of the document to user station 102 over communications channel); and *d) and displaying a graphical representation of the grouping to the user. (Barr Col 4 Lines 47-50 i.e. result list is displayed in a first display window open on a user display) (Barr Col 26 Lines 1-7 i.e. graphical representation)*

In regard to independent claim 11, Barr discloses *a) analyzing data associated with the search results* (Barr Col 13 Lines 47-52 i.e. evaluation is performed); *b) generating a list of phrases based on the analyzed data* (Barr Col 22 Lines 25-27 i.e. results list generated by query engine); *c) identifying files referenced by the search results containing a phrase from the list of phrases* (Barr Col 20 Lines 45-47 i.e. documents identified in the search results); *and d) associating the files with phrases.* (Barr Col 20 Lines 20-22 i.e. associated text fields.

In regard to dependent claim 12, Barr discloses *a) determining the frequency of use of each phrase in each file* (Barr Col 33 Lines 48-51 i.e. frequency of occurrence of each word); *and b) including the phrase in the list of phrases if the frequency for the phrase exceeds a threshold value.* (Barr Col 33 Lines 5-15 i.e. subject exceed confidence score)

In regard to independent claim 13, Barr discloses *a) receiving from the user a selection of a server* (Barr Abstract Lines 1-5 i.e. a session server for receiving the search query); *b) importing one or more phrases contained in the files hosted on the selected server* (Barr Col 36 Lines 10-13 i.e. retrieved document transferred to user station); *and c) displaying the imported phrases in a graphical representation of the mapping between files, phrase, and servers.* (Barr Col 26 Lines 1-7 i.e. graphical representation wherein the relevance normalization curve is merely a graphical mapping of the scores and Barr Abstract i.e. server)

In regard to independent claim 15, Barr discloses *a) determining select phrases that are contained in the one or more files satisfying the query from the user* (Barr Col 6 Lines 54-65 i.e. directed to a method for searching a database of an information retrieval system in response to a query having a query length of at least one word, for applying the query word to the database and selecting information from the database according to the query word. The query is received

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and the length of the query is determined. Information is selected from the database according to the query. The relevance of the selected information is determined according to matches between the query and the information); *b) grouping the servers that host the one or more files in accordance with the selected phrases* (Barr Col 38 Lines 12-17 i.e. coupling servers together); *c) displaying to the user, a graphical representation of the grouping of said phrases and said servers* (Barr Col 4 Lines 47-50 i.e. result list is displayed in a first display window open on a user display and Barr Abstract i.e. server) (Barr Col 26 Lines 1-7 i.e. graphical representation); *d) receiving from the user, a selection of one or more groups* (Barr Col 12 Lines 15-35 i.e. user inputs a search query or phrase); *e) generating a revised query according to the selection of one or more groups* (Barr Col 22 Lines 25-27 i.e. results list generated by query engine); *f) determining one or more files that satisfy the revised query* (Barr Col 6 Lines 54-65 i.e. directed to a method for searching a database of an information retrieval system in response to a query having a query length of at least one word, for applying the query word to the database and selecting information from the database according to the query word. The query is received and the length of the query is determined. Information is selected from the database according to the query. The relevance of the selected information is determined according to matches between the query and the information) (Barr Abstract Lines 9-13 i.e. receive the search results); *and g) displaying to the user, a graphical representation of the one or more determined files.* (Barr Col 26 Lines 1-7 i.e. graphical representation wherein the relevance normalization curve is merely a graphical mapping of the scores and Barr Abstract i.e. server)

In regard to independent claim 16, Barr discloses *a) determining select phrases that are contained in the one or more files satisfying the query from the user* (Barr Col 6 Lines 54-65 i.e.

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directed to a method for searching a database of an information retrieval system in response to a query having a query length of at least one word, for applying the query word to the database and selecting information from the database according to the query word. The query is received and the length of the query is determined. Information is selected from the database according to the query. The relevance of the selected information is determined according to matches between the query and the information); *b) grouping the one or more servers that host the one or more files in accordance with the select phrases* (Barr Col 38 Lines 12-17 i.e. coupling servers together); *c) displaying to the user, a graphical representation of the grouping of said phrases, said servers, and said files* (Barr Col 4 Lines 47-50 i.e. result list is displayed in a first display window open on a user display and Barr Abstract i.e. server) (Barr Col 26 Lines 1-7 i.e. graphical representation); *d) receiving from the user, a selection of one or more files displayed in the graphical representation* (Barr Col 12 Lines 15-35 i.e. user inputs a search query or phrase and Col 26 Lines 1-7 i.e. graphical representation); *e) downloading the selected files; and f) generating links between the downloaded files according to the select phrases.* (Barr Col 15 lines 1-15 i.e. if, after step 340, the user wishes to retrieve a document file for display on PC 104, processing proceeds to step 350 where the user selects one of the documents in the search list for display, preferably by "clicking" with a computer mouse on the portion of window 341 wherein information corresponding to the selected document file is displayed. Following the selection of a document file by the user, PC 104 transmits a signal representative of the selected document file to session server 114 over channel 108. Upon receipt of this signal in step 355, session server retrieves from database 118 and transmits to PC 104 the text (if the selected document file corresponds to a textual document), image bitmap (if the selected document file

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corresponds to a still image), sequence of video frames (if the selected document file corresponds to a motion video sequence) or sequence of digital audio frames (if the selected document file corresponds to a digital audio sequence) associated with the selected document file.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5-10, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barr et al (herein after Barr) U.S. Patent No. 5,873,076 filed 9/15/1995 in view of Schuetze et al. (herein after Schuetze) U.S. Patent No. 6,564,202 B1 filed 10/19/1999.

In regard to independent claim 5, Barr discloses *a) receiving search results from a search engine* (Barr Abstract Lines 9-13 i.e. receive the search results); *b) determining phrases based on files referenced by the search results* (Barr Col 6 Lines 54-65 i.e. directed to a method for searching a database of an information retrieval system in response to a query having a query length of at least one word, for applying the query word to the database and selecting information from the database according to the query word. The query is received and the length of the query is determined. Information is selected from the database according to the query. The relevance of the selected information is determined according to matches between the query

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and the information) (Barr Abstract Lines 9-13 i.e. receive the search results); *c) determining servers hosting the files referenced by the search results* (Barr Abstract i.e. server) (Barr Abstract Lines 9-13 i.e. receive the search results); *d) generating a map associating said phrases with said servers wherein a phrase is associated with a server if the phrase occurs in a file referenced by the search results located on the server* (Barr Col 26 Lines 1-7 i.e. graphical representation wherein the relevance normalization curve is merely a graphical mapping of the scores and Barr Abstract i.e. server) (Barr Abstract Lines 9-13 i.e. receive the search results);

Barr does not specifically mention *e) identifying one or more server clusters in accordance with the map; and f) displaying the server clusters to the user*. However, Schuetze displays clusters (Col 35-36 Tables 3 and 4). It would have been obvious to one of ordinary skill in the art to apply Schuetze to Barr, providing Barr the benefit of Clustering of large data sets which is important for exploratory data analysis, visualization, statistical generalization, and recommendation systems as taught by Schuetze Col 5 Lines 47-50.

In regard to dependent claim 6, Barr does not specifically mention *a) receiving from the user a selection of one or more clusters; b) removing said selected clusters from the display; and c) adjusting the display of the unselected clusters*. However, Schuetze shows tables of clusters that are received (Schuetze Col 35-36 Tables 3 and 4). Figures 12 and 13 display clusters and options of selecting or not to select specific clusters for display. Schuetze shows visual displays of clusters in response to queries by the user (Schuetze Col 9 Lines 1-20). It would have been obvious to one of ordinary skill in the art to apply Schuetze to Barr, providing Barr the benefit of Clustering of large data sets which is important for exploratory data analysis,

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visualization, statistical generalization, and recommendation systems as taught by Schuetze Col 5 Lines 47-50.

In regard to dependent claim 7, Barr does not specifically mention *a) receiving from the user a selection of clusters; b) revising the map associating additional phrases with the servers in the selected clusters; and c) displaying the selected clusters to the use in accordance with the revised map*. However, Schuetze shows tables of clusters that are received (Schuetze Col 35-36 Tables 3 and 4). Schuetze also mentions a mapping program which can be revised and displayed (Schuetze Col 29 Lines 7-10 and Col 23 Lines 34-65). It would have been obvious to one of ordinary skill in the art to apply Schuetze to Barr, providing Barr the benefit of Clustering of large data sets which is important for exploratory data analysis, visualization, statistical generalization, and recommendation systems as taught by Schuetze Col 5 Lines 47-50 and mapping the phrases to add images or clusters to the current set based on similarity in one feature dimension as taught by Schuetze Col 23 Lines 34-37.

In regard to dependent claim 8, Barr does not specifically mention *a) receiving from the user a selection of clusters; b) revising the search results in accordance with the selected clusters; c) adjusting the map in accordance with the revised search results; and d) displaying the server clusters to the user in accordance with the adjusted map*. However, Schuetze shows tables of clusters that are received (Schuetze Col 35-36 Tables 3 and 4). Schuetze also mentions results of the later query can then be used to either refine or add to the existing results set, at the user's option (Schuetze Col 22 Lines 52-53) pages which can be adjusted (Schuetze Col 35 Lines 29-32) and displaying (Schuetze Col 37 Lines 65-67). It would have been obvious to one of ordinary skill in the art to apply Schuetze to Barr, providing Barr the benefit of Clustering of

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large data sets which is important for exploratory data analysis, visualization, statistical generalization, and recommendation systems as taught by Schuetze Col 5 Lines 47-50 and mapping the adjustable phrases to add images or clusters to the current set based on similarity in one feature dimension as taught by Schuetze Col 23 Lines 34-37 and displaying the results.

In regard to dependent claim 9, Barr discloses *b) receiving from the user a search query* (Barr Col 12 Lines 15-35 i.e. user inputs a search query or phrase);

Barr does not specifically mention *a) receiving from the user a selection of clusters; c) refining the search results according to the search query and the selection of clusters; d) updating the map in accordance with the refined search results; and e) adjusting the display of the clusters in accordance with the updated map*. However, Schuetze shows tables of clusters that are received (Schuetze Col 35-36 Tables 3 and 4) Schuetze also mentions results of the later query can then be used to either refine or add to the existing results set, at the user's option and updated (Schuetze Col 22 Lines 52-53 and Col 11 lines 28-30) pages which can be adjusted (Schuetze Col 35 Lines 29-32) and displaying (Schuetze Col 37 Lines 65-67). It would have been obvious to one of ordinary skill in the art to apply Schuetze to Barr, providing Barr the benefit of Clustering of large data sets which is important for exploratory data analysis, visualization, statistical generalization, and recommendation systems as taught by Schuetze Col 5 Lines 47-50 and mapping the adjustable phrases which can be updated to add images or clusters to the current set based on similarity in one feature dimension as taught by Schuetze Col 23 Lines 34-37 and displaying the results.

In regard to dependent claim 10, Barr discloses *a) receiving from the user revised phrases* (Barr Col 12 Lines 15-35 i.e. user inputs a search query or phrase which can be revised to search for different phrases).

Barr does not specifically mention *b) revising the map associating the revised phrases with the servers associated with files referenced in the search results; and c) displaying the server clusters to the user in accordance with the revised map.* However, Schuetze mentions a mapping program which can be revised and displayed (Schuetze Col 29 Lines 7-10 and Col 23 Lines 34-65) and clusters (Schuetze Col 35-36 Tables 3 and 4) which can be displayed. It would have been obvious to one of ordinary skill in the art to apply Schuetze to Barr, providing Barr the benefit of Clustering of large data sets which is important for exploratory data analysis, visualization, statistical generalization, and recommendation systems as taught by Schuetze Col 5 Lines 47-50 and mapping the adjustable phrases which can be updated to add images or clusters to the current set based on similarity in one feature dimension as taught by Schuetze Col 23 Lines 34-37 and displaying the results and the benefit of Clustering of large data sets which is important for exploratory data analysis, visualization, statistical generalization, and recommendation systems as taught by Schuetze Col 5 Lines 47-50.

In regard to independent claim 14, Barr discloses *a) extracting phrases from the search results, wherein the phrases represent the subject matter contained in the files associated with the search results* (Barr Col 8 Lines 8-10 i.e. search engine)(Barr Col 8 Lines 60-63 i.e. search query by way of communications channel such as a public network) (Barr Col 12 Lines 15-35 i.e. user inputs a search query or phrase); *b) grouping the files into one or more .. wherein each ... contains two or more files such that each pair of files are associated with at least one phrase*

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in common (Barr Col 31 Lines 26-39 i.e. group of documents); *and c) generating a map of the grouping of files and phrases.* (Barr Col 26 Lines 1-7 i.e. mapping of the scores)

Barr does not specifically mention the phrases being clustered. However, Schuetze displays clusters (Col 35-36 Tables 3 and 4). It would have been obvious to one of ordinary skill in the art to apply Schuetze to Barr, providing Barr the benefit of Clustering of large data sets which is important for exploratory data analysis, visualization, statistical generalization, and recommendation systems as taught by Schuetze Col 5 Lines 47-50.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rubinstein	US Patent No. 5,794,233	issued	8/11/1998
Kirsch et al.	US Patent No. 5,845,278	issued	12/1/1998
Walls et al.	US Patent No. 5,848,410	issued	12/8/1998
Vance, Jr. et al.	US Patent No. 5,878,219	issued	3/2/1998

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Londra C Burge whose telephone number is 703-305-8784. The examiner can normally be reached on 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

Or faxed to:

(703) 746-7239 (for formal communications intended for entry)


Or:

(703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Or:

(703) 746-7238 (for after-final communications)

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Fourth Floor (Receptionist).*


STEPHEN S. HONG
PRIMARY EXAMINER

Londra Burge
6/22/04